

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

Docket No. 166,741

ORDER

The Appeals Board has considered the respondent's Application for Review of the December 30, 1994 Award by Administrative Law Judge Alvin E. Witwer.

APPEARANCES

The claimant appeared by and through his attorney, James E. Martin of Overland Park, Kansas. The respondent and its insurance carrier appeared by and through their attorney, Timothy G. Lutz of Overland Park, Kansas. The Kansas Workers Compensation Fund appeared through its attorney, Debera A. Erickson of Kansas City, Kansas. There were no other appearances.

RECORD

The record considered by the Appeals Board is the same as that enumerated in the Award of the Administrative Law Judge.

STIPULATIONS

The extensive stipulations of the parties are listed in the Award of the Administrative Law Judge and are adopted by the Appeals Board for this review.

ISSUES

The Administrative Law Judge found claimant entitled to permanent partial disability compensation for a disability to the body as a whole based on bilateral carpal tunnel syndrome, left thumb and other left upper extremity injuries. The respondent appeals that finding of the Administrative Law Judge and requests the Appeals Board find claimant entitled to permanent partial disability compensation only for a left forearm disability. Respondent further seeks a review of the award to claimant of future medical benefits for both upper extremities and of reimbursement to claimant for a prescription expense in the amount of \$59.44.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Award of the Administrative Law Judge sets out the findings of fact and conclusions of law in some detail and it is not necessary to repeat those herein. Specifically, the Appeals Board agrees that claimant has sustained his burden of proof that the disputed right carpal tunnel syndrome injury arose out of and in the scope of his employment with respondent rather than subsequent employments. That conclusion having been reached, the compensation to which claimant is entitled was determined by the stipulations of the parties, as was the apportionment of liability between the respondent and its carrier and the Kansas Workers Compensation Fund.

Having reviewed the entire record, the Appeals Board finds the findings and conclusions enumerated in the Award of the Administrative Law Judge to be accurate and appropriate, and it adopts same as its own findings as if specifically set forth herein. The Appeals Board adopts the analysis of the Administrative Law Judge regarding the nature of claimant's disability and the award of future medical to treat the bilateral carpal tunnel injuries and the other injuries in the left upper extremity. Claimant is awarded such future medical treatment only upon proper application to the Director. Finally, the prescription reimbursement order is affirmed.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Alvin E. Witwer, dated December 30, 1994 should be, and hereby is, affirmed in all respects, and the orders contained in the Award are hereby adopted by the Appeals Board as its own.

IT IS SO ORDERED.

Dated this ____ day of September 1995.

BOARD MEMBER PRO TEM

BOARD MEMBER

BOARD MEMBER

cc: James E. Martin, Overland Park, KS
Timothy G. Lutz, Overland Park, KS
Debera A. Erickson, Kansas City, KS
Alvin E. Witwer, Administrative Law Judge
Philip S. Harness, Director